

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

On June 28, 2005, the parties to the above-captioned matter filed a Stipulated Motion to Extend Time to File Indictment. Dkt. No. 9. The motion argued that granting a continuance would satisfy the “ends of justice” by providing the parties additional time to prepare for their case. Dkt. No. 9. In addition, the defendant’s Waiver of Right to a Speedy Indictment indicates that ongoing plea negotiations are also a reason for the requested continuance. Dkt. No. 9 (Exhibit).

Congress, however, “did not intend the ‘ends of justice’ exclusion to be granted as a matter of course but rather [intended it] to be used sparingly and only when necessary.” *United States v. Lewis*, 980 F.2d 555, 560 (9th Cir. 1992) (internal citations omitted). Hence, an “ends of justice” exclusion may be granted only for a specific duration when “justified by

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01 the record with reference to the facts.” *United States v. Ramirez-Cortez*, 213 F.3d 1149, 1154
02 (9th Cir. 1999) (internal citations and punctuation omitted). Generalized assertions that the
03 “ends of justice” will be satisfied by the granting of a continuance are insufficient. *Id.* at 1154-
04 55.

5 Here, the parties have provided no evidence, nor adduced any facts from the record
6 sufficient to justify granting a continuance. Rather, they have simply alleged, without
7 explaining in reference to specific facts, that more time would enable them to prepare more
8 thoroughly. These reasons are insufficient to justify a continuance. Moreover, an ongoing
9 plea agreement negotiation is not a factor sufficient for this Court to find that granting a
10 continuance will satisfy the “ends of justice.” *Id.* at 1155-56 (citing *United States v. Perez-*
11 *Reveles*, 715 F.2d 1348, 1352 (9th Cir. 1983)). The parties’ motion is therefore DENIED.

12 DATED this 28th day of June, 2005.

James P. Donohue
JAMES P. DONOHUE
United States Magistrate Judge

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